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1 3993 Howard Hughes Parkway, Suite 600  
2 Las Vegas, NV 89169-5996  
3 Facsimile (702) 949-8321  
4 Telephone (702) 949-8320

40 North Central Avenue, Suite 1900  
3 Phoenix, Arizona 85004-4429  
2 Facsimile (602) 734-3824  
1 Telephone (602) 262-5756

5 Susan M. Freeman AZ State Bar No. 004199  
6 Email: [sfreeman@irlaw.com](mailto:sfreeman@irlaw.com)  
7 Rob Charles NV State Bar No. 0065934  
8 Email: [rcharles@irlaw.com](mailto:rcharles@irlaw.com)

9 Attorneys for Official Committee of Unsecured Creditors

7  
8 **UNITED STATES BANKRUPTCY COURT**  
9  
10 **DISTRICT OF NEVADA**

11 **In re:**

12 **USA Commercial Mortgage Company**  
13 **06-10725 – Lead Case**

14 **USA Capital Realty Advisors, LLC**  
15 **06-10726**

16 **USA Capital Diversified Trust Deed Fund,**  
17 **LLC**  
18 **06-10728**

19 **USA Capital First Trust Deed Fund, LLC**  
20 **06-10728**

21 **USA Securities, LLC**  
22 **06-10729**

23 **Debtors.**

24 Jointly Administered

25 Chapter 11 Cases

26 Judge Linda B. Riegle Presiding

**MOTION FOR ORDER REQUIRING  
EXAMINATION AND  
PRODUCTION OF DOCUMENTS  
PURSUANT TO BANKRUPTCY  
RULE 2004**

Date: NA

Time: NA

**Affecting:**

All Cases

**or Only:**

USA Commercial Mortgage Company

USA Capital Realty Advisors, LLC

USA Capital Diversified Trust Deed Fund,

LLC

USA Capital First Trust Deed Fund, LLC

23 The Official Committee of Unsecured Creditors of USA Commercial Mortgage  
24 Company's ("UCC") moves this Court for an Order pursuant to Bankruptcy Rule 2004(a)  
25 directing USA Commercial Real Estate Group ("USACREG") to designate one or more  
26 officers, directors, or managing agents, or other persons who consent to testify on its  
behalf, at an oral deposition pursuant to Bankruptcy Rules 2004, 7030 and 7034, and



1 Rules 30(b)(6) and 34 of the Federal Rules of Civil Procedure at a date and time  
 2 reasonably convenient to the parties. The UCC further requests that USACREG produce  
 3 the documents described in **Exhibit A** attached for inspection and copying not less than  
 4 two business days before the deposition. This Motion is explained in the following  
 5 Memorandum.

6 **Memorandum**

7 The UCC is seeking information concerning USACREG's claims against this estate  
 8 and its interests in any loans originated or serviced by USA Commercial Mortgage  
 9 Company ("USACM"). In that regard, USACREG has filed a Motion to Enforce Order  
 10 granting Debtors' Motion to Distribute Funds, seeking distribution of some \$17,578.84 to  
 11 USACREG as a purported direct lender.

12 The interests of USACREG are not obvious from the schedules filed in this case,  
 13 nor is the relationship, or lack thereof, between the former principals of USACM and  
 14 USACREG. Accordingly, the UCC requests discovery.

15 The requested discovery from USACREG is well within the scope of examination  
 16 permitted pursuant to Bankruptcy Rule 2004, which includes

17 The acts, conduct, or property or ... the liabilities and financial  
 18 condition of the debtor, or ... any matter which may affect the  
 19 administration of the debtor's estate, or to the debtor's right to a discharge.  
 20 In a ... reorganization case under chapter 11 of the Code, ... the examination  
 21 may also relate to the operation of any business and the desirability of its  
 continuation, the source of any money or property acquired or to be acquired  
 by the debtor for purposes of consummating a plan and the consideration  
 given or offered therefore, and any other matter relevant to the case or to the  
 formulation of a plan.<sup>1</sup>

22  
 23  
 24  
 25

26 <sup>1</sup> Bankruptcy Rule 2004(b).

Case 6  
**LEWIS  
AND  
ROCA**  
LLP  
LAWYERS

## Conclusion

Accordingly, the UCC requests that this Court enter the form of Order submitted with this motion.

Dated October 3, 2006.

# LEWIS AND ROCA LLP

By /s/ RD (#006593)  
Susan M. Freeman, AZ 4199 (pro hac vice)  
Rob Charles, NV 6593  
*Attorneys for Official Committee of Unsecured Creditors*